

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NEWMONT USA LIMITED and DAWN
MINING CO.,

Plaintiff,

vs.

AMERICAN HOME ASSURANCE CO., et
al.,

Defendants.

NO. CV-09-033-JLQ

**ORDER RE: DISMISSAL WITH
PREJUDICE OF PLAINTIFFS'
CLAIMS AGAINST FIREMAN'S
FUND AND DIRECTING ENTRY
OF RULE 54(B) JUDGMENT**

BEFORE THE COURT is a Stipulated Motion to Dismiss (Ct. Rec. 755), whereby Plaintiffs, Newmont and Dawn, and Defendant **Fireman's Fund Insurance Company** have agreed to the dismissal of "all claims between them" with prejudice and without the award of costs. The parties Stipulated Motion to Dismiss (**ECF. No. 755**) is **GRANTED**. There being no just reason for delay, the Clerk of the Court shall enter final judgment pursuant to Fed.R.Civ.P 54(b) dismissing the claims asserted in the First Amended Complaint (ECF No. 241) against Fireman's Fund with prejudice and without the award of costs or attorney fees to any party to the Stipulation.

The moving Defendant Fireman's Fund Insurance Company remains a party to this litigation as a cross-claimant or cross-defendant.

IT IS SO ORDERED. The Clerk of this court shall enter this Order, enter judgment as above-stated, and forward copies to counsel for all parties.

Dated this 11th day of April, 2011.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE